

**(g) Limitation of subcontracting**

With respect to local guard contracts subject to subsection (c) of this section, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

(Pub. L. 101-246, title I, § 136, Feb. 16, 1990, 104 Stat. 33.)

**CODIFICATION**

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and not as part of the Diplomatic Security Act which comprise this chapter.

**CHAPTER 59—FASCELL FELLOWSHIP PROGRAM**

§ 4901. Fellowship program for temporary service at United States missions abroad

**(a) Establishment**

There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions which would otherwise be held by foreign national employees at United States diplomatic or consular missions abroad.

*[See main edition for text of (b)]*

**(c) Purpose of fellowships**

Fellowships under this chapter shall be provided in order to allow the recipient (hereafter in this chapter referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission abroad in order to obtain first hand exposure to that country, including (as appropriate) independent study in that country's area studies or languages.

**(d) Individuals who may receive a fellowship**

To receive a fellowship under this chapter, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in international affairs, foreign languages, or career and professional experience or interest in international affairs, and who has a working knowledge of the principal language of the country in which he or she would serve.

*[See main edition for text of (e)]*

(As amended Pub. L. 101-454, § 9(b), Oct. 24, 1990, 104 Stat. 1065.)

**AMENDMENTS**

1990—Subsec. (a). Pub. L. 101-454, § 9(b)(1), substituted "which would otherwise be" for "formerly" and "abroad" for "in the Soviet Union or Eastern European countries".

Subsec. (c). Pub. L. 101-454, § 9(b)(2), substituted "abroad" for "in the Soviet Union or an Eastern European country" and "that country's" for "Soviet or Eastern European".

Subsec. (d). Pub. L. 101-454, § 9(b)(3), substituted "international affairs, foreign languages, or career and professional experience or interest in international affairs," for "Soviet or Eastern European area studies or languages".

**SHORT TITLE OF 1990 AMENDMENT**

Section 9(a) of Pub. L. 101-454 provided that: "This section [amending this section and sections 4902 and 4904 of this title, and enacting provisions set out as a note under section 4902 of this title] may be cited as the 'Fascell Fellowship Amendments Act of 1990'."

**§ 4902. Fellowship Board**

*[See main edition for text of (a)]*

**(b) Membership**

The Board shall consist of 9 members as follows:

*[See main edition for text of (1) to (3)]*

(4) Six academic specialists in international affairs or foreign languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority<sup>1</sup> of the Committee on Foreign Relations of the Senate).

*[See main edition for text of (c) and (d)]*

(As amended Pub. L. 101-454, § 9(c)(1), Oct. 24, 1990, 104 Stat. 1066.)

**AMENDMENTS**

1990—Subsec. (b)(4). Pub. L. 101-454 substituted "international affairs or foreign languages," for "Soviet or Eastern European area studies or languages,".

**EFFECTIVE DATE OF 1990 AMENDMENT**

Section 9(c)(2) of Pub. L. 101-454 provided that: "The amendment made by paragraph (1) [amending this section] shall apply only to appointments to the Fascell Fellowship Board after the date of the enactment of this section [Oct. 24, 1990] and shall not affect the service of members of such board on the date of the enactment of this section."

**§ 4904. Secretary of State****(a) Determinations**

The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission abroad and the position in which each will serve.

*[See main edition for text of (b) and (c)]*

(As amended Pub. L. 101-454, § 9(d), Oct. 24, 1990, 104 Stat. 1066.)

**AMENDMENTS**

1990—Subsec. (a). Pub. L. 101-454 substituted "abroad" for "in the Soviet Union or Eastern Europe".

**CHAPTER 60—ANTI-APARTHEID PROGRAM****SUBCHAPTER III—MEASURES BY UNITED STATES TO UNDERMINE APARTHEID**

Sec.

5051 to 5056. Omitted.

5057 to 5072. Omitted.

5073. Omitted.

<sup>1</sup> So in original. Probably should be followed by "member".

## SUBCHAPTER V—FUTURE POLICY TOWARD SOUTH AFRICA

Sec.

5100. Repealed.

## SUBCHAPTER VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

5117. State and local anti-apartheid policies.

### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2293 of this title.

## SUBCHAPTER III—MEASURES BY UNITED STATES TO UNDERMINE APARTHEID

§§ 5051 to 5056. Omitted

### CODIFICATION

Sections 5051 to 5056 were omitted pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

Section 5051, Pub. L. 99-440, title III, § 301, Oct. 2, 1986, 100 Stat. 1099, prohibited importation of krugers.

Section 5052, Pub. L. 99-440, title III, § 302, Oct. 2, 1986, 100 Stat. 1099, prohibited importation of military articles.

Section 5053, Pub. L. 99-440, title III, § 303, Oct. 2, 1986, 100 Stat. 1099; Pub. L. 99-631, § 1(a)(12), Nov. 7, 1986, 100 Stat. 3516, prohibited importation of products from parastatal organizations.

Section 5054, Pub. L. 99-440, title III, § 304, Oct. 2, 1986, 100 Stat. 1099, prohibited computer exports to South Africa.

Section 5055, Pub. L. 99-440, title III, § 305, Oct. 2, 1986, 100 Stat. 1100, prohibited loans to Government of South Africa.

Section 5056, Pub. L. 99-440, title III, § 306, Oct. 2, 1986, 100 Stat. 1100; Pub. L. 99-631, § 1(a)(13), Nov. 7, 1986, 100 Stat. 3516, prohibited air transportation with South Africa.

§§ 5057 to 5072. Omitted

### CODIFICATION

Sections 5057 to 5072 were omitted pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out below.

Section 5057, Pub. L. 99-440, title III, § 307, Oct. 2, 1986, 100 Stat. 1101, prohibited nuclear trade with South Africa.

Section 5058, Pub. L. 99-440, title III, § 308, Oct. 2, 1986, 100 Stat. 1102, related to bank accounts of Government of South Africa.

Section 5059, Pub. L. 99-440, title III, § 309, Oct. 2, 1986, 100 Stat. 1102; Pub. L. 99-631, § 1(a)(14), Nov. 7, 1986, 100 Stat. 3516; Pub. L. 100-418, title I, § 1214(n), Aug. 23, 1988, 102 Stat. 1158, prohibited importation of uranium, coal, and textiles from South Africa.

Section 5060, Pub. L. 99-440, title III, § 310, Oct. 2, 1986, 100 Stat. 1102, prohibited new investment in South Africa.

Section 5061, Pub. L. 99-440, title III, § 311, Oct. 2, 1986, 100 Stat. 1103, provided for termination of this subchapter and sections 5091(c) and 5094(b) of this title, if the Government of South Africa met five specific conditions. See Ex. Ord. No. 12769, set out below.

Section 5062, Pub. L. 99-440, title III, § 312, Oct. 2, 1986, 100 Stat. 1103; Pub. L. 99-631, § 1(a)(15), Nov. 7, 1986, 100 Stat. 3517, stated United States policy toward violence and terrorism in South Africa.

Section 5063, Pub. L. 99-440, title III, § 313, Oct. 2, 1986, 100 Stat. 1104; Pub. L. 99-631, § 1(a)(16), Nov. 7, 1986, 100 Stat. 3517, provided for termination of tax treaty and protocol.

Section 5064, Pub. L. 99-440, title III, § 314, Oct. 2, 1986, 100 Stat. 1104; Pub. L. 99-631, § 1(a)(17), Nov. 7,

1986, 100 Stat. 3517, prohibited procurement by United States Government from South Africa.

Section 5065, Pub. L. 99-440, title III, § 315, Oct. 2, 1986, 100 Stat. 1104, prohibited promotion of United States tourism in South Africa.

Section 5066, Pub. L. 99-440, title III, § 316, Oct. 2, 1986, 100 Stat. 1104, prohibited United States Government assistance to, investment in, or subsidy for trade with, South Africa.

Section 5067, Pub. L. 99-440, title III, § 317, Oct. 2, 1986, 100 Stat. 1104; Pub. L. 99-631, § 1(a)(18), Nov. 7, 1986, 100 Stat. 3517, prohibited exportation of items on United States Munitions List to South Africa.

Section 5068, Pub. L. 99-440, title III, § 318, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99-631, § 1(a)(19), Nov. 7, 1986, 100 Stat. 3517, provided notification procedures for proposed export of items on United States Munitions List.

Section 5069, Pub. L. 99-440, title III, § 319, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99-631, § 1(a)(20), Nov. 7, 1986, 100 Stat. 3517, prohibited importation of South African agricultural products and food.

Section 5070, Pub. L. 99-440, title III, § 320, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99-631, § 1(a)(21), Nov. 7, 1986, 100 Stat. 3517, prohibited importation of iron and steel from South Africa.

Section 5071, Pub. L. 99-440, title III, § 321, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99-631, § 1(a)(22), Nov. 7, 1986, 100 Stat. 3518, prohibited exportation of crude oil and petroleum products to South Africa.

Section 5072, Pub. L. 99-440, title III, § 322, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99-631, § 1(a)(23), Nov. 7, 1986, 100 Stat. 3518, prohibited cooperation with armed forces of South Africa.

### EX. ORD. NO. 12769. IMPLEMENTATION OF SECTION 5061(a)

Ex. Ord. No. 12769, July 10, 1991, 56 F.R. 31855, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Comprehensive Anti-Apartheid Act of 1986 (Public Law 99-440), as amended ("the Act") [22 U.S.C. 5001 et seq.], and section 301 of title 3 of the United States Code, and having concluded that the Government of South Africa has taken all of the steps specified in section 311(a) of the Act [22 U.S.C. 5061(a)], and, therefore, that title III [22 U.S.C. 5051 et seq.] and sections 501(c) and 504(b) [22 U.S.C. 5091(c), 5094(b)] of the Act have terminated, it is hereby ordered as follows:

**SECTION 1. Implementation of Section 311(a) of the Act.** All affected executive departments and agencies shall immediately take all steps necessary, consistent with the Constitution, to implement the termination of those sanctions which were imposed by title III and sections 501(c) and 504(b) of the Act.

**SEC. 2. Status of Prior Executive Order.** Except as superseded by section 1 of this order, Executive Order No. 12571 of October 27, 1986, "Implementation of the Comprehensive Anti-Apartheid Act," [22 U.S.C. 5111 note] shall remain in effect. Pursuant to this order, the Inter-Agency Coordinating Committee established by section 12 of that order shall monitor the termination of those sanctions which were imposed by title III and sections 501(c) and 504(b) of the Act.

**SEC. 3. Actions Taken and Proceedings Pending.** This order shall not affect any action taken or proceeding pending and not finally concluded or determined on the effective date of this order, or any action or proceeding based on any act committed prior to the effective date of this order, or any rights and duties that matured or penalties that were incurred prior to the effective date of this order.

**SEC. 4. Revocation.** Executive Order No. 12532 of September 9, 1985, and Executive Order No. 12535 of October 1, 1985, which lapsed on September 9, 1987, pursuant to the provisions of sections 1622(d) and 1701

of title 50 of the United States Code are hereby revoked.

Sec. 5. *Effective Date.* This order shall be effective immediately.

GEORGE BUSH.

#### § 5073. Omitted

##### CODIFICATION

Section, Pub. L. 99-440, title III, § 323(a), Oct. 2, 1986, 100 Stat. 1105, which prohibited importation of South African sugar products, was omitted pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

### SUBCHAPTER IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

#### § 5081. Negotiating authority

##### REFERENCES IN TEXT

Subchapter III of this chapter, referred to in subsec. (c), was omitted from the Code pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

### SUBCHAPTER V—FUTURE POLICY TOWARD SOUTH AFRICA

#### § 5091. Additional measures

*[See main edition for text of (a) and (b)]*

#### (c) Omitted

*[See main edition for text of (d); credits]*

##### CODIFICATION

Subsec. (c), which required the President to recommend, from a list, additional measures that should be imposed if the President determines that the Government of South Africa has not made significant progress, was omitted pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

##### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5112 of this title.

#### § 5094. Report on South African imports

*[See main edition for text of (a)]*

#### (b) Omitted.

*[See main edition for credits]*

##### CODIFICATION

Subsec. (b), which required the President to develop a program to reduce dependence of United States on imports from South Africa, was omitted pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

#### § 5096. Report on relations between other industrialized democracies and South Africa

##### REFERENCES IN TEXT

Sections 5051 to 5057, 5059, and 5060 of this title, referred to in subsec. (b), were omitted from the Code pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

#### § 5100. Repealed. Pub. L. 102-182, § 4, Dec. 4, 1991, 105 Stat. 1234

Section, Pub. L. 99-440, title V, § 510, Oct. 2, 1986, 100 Stat. 1111; Pub. L. 99-631, § 1(a)(29), Nov. 7, 1986,

100 Stat. 3518, prohibited importation of Soviet gold coins.

### SUBCHAPTER VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

#### § 5111. Regulatory authority

##### REFERENCES IN TEXT

Executive Order 12532 of September 9, 1985, and Executive Order 12535 of October 1, 1985, referred to in text, formerly set out as notes under section 1701 of Title 50, War and National Defense, were revoked by Ex. Ord. No. 12769, § 4, July 10, 1991, 56 F.R. 31855, set out as a note under section 5061 of this title.

#### § 5112. Congressional priority procedures

##### REFERENCES IN TEXT

Sections 5061(b), 5068(b), and 5091(c) of this title, referred to in subsecs. (a)(1), (b)(1), and (c), were omitted from the Code pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

Sections 311(b), 318(b)(2), 401(d)(3), and 501(c) of the Comprehensive Anti-Apartheid Act of 1986, referred to in subsec. (c), are sections 311(b), 318(b)(2), 401(d)(3), and 501(c) of Pub. L. 99-440 which are classified to sections 5061(b), 5068(b)(2), 5081(d)(3), and 5091(c) of this title. See note above.

##### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5068, 5081, 5091 of this title.

#### § 5113. Enforcement and penalties

##### REFERENCES IN TEXT

Section 5051 of this title, referred to in subsecs. (b)(4) and (c)(2), was omitted from the Code pursuant to section 5061(a) of this title and Ex. Ord. No. 12769, set out under that section.

#### § 5117. State and local anti-apartheid policies

Notwithstanding any other provision of this or any other law, none of the funds provided by this or any previous or subsequent Act to the Department of Transportation shall be withheld from State or local grantees for any reason related to the adoption by any such grantee of a policy prohibiting the procurement of products manufactured or fabricated in the Republic of South Africa.

(Pub. L. 101-45, title I, June 30, 1989, 103 Stat. 110.)

##### CODIFICATION

Section was enacted as part of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, and not as part of the Comprehensive Anti-Apartheid Act of 1986 which comprises this chapter.

### CHAPTER 62—INTERNATIONAL FINANCIAL POLICY

### SUBCHAPTER IV—FINANCIAL REPORTS

#### § 5353. Fair trade in financial services

##### DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of the Treasury by section 1 of Ex. Ord. No. 12781, Nov. 20, 1991, 56 F.R. 59203, set out as a note under section 301 of Title 3, The President.